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In re Application of: KHAN, Nazir et al.	:	DECISION
U.S. Application No.: 10/584,121	:	ON
PCT No.: PCT/GB2005/000121	:	RENEWED
International Filing Date: 14 January 2005	:	PETITION
Priority Date: 14 January 2004	:	UNDER
Atty's Docket No.: GJE-7660	:	37 CFR 1.47(a)
For: LASER IMAGING	:	

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 03 August 2009. Applicants have previously paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 01 June 2009. The decision dismissed without prejudice the petition under 37 CFR 1.47(a) for failure to satisfy all requirements of a grantable petition.

On 03 August 2009, applicants filed the renewed petition considered herein.

DISCUSSION

As previously stated, a grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventor on behalf of himself and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Items (1), (2), and (3) were previously satisfied.

With regard to item (4), the declaration of Robert Edward Perry provides an acceptable showing that the application papers were presented to inventor Dr. Nazir KHAN and Dr. KHAN had refused to execute the application. Applicants have therefore satisfied the final requirement of a grantable petition under 37 CFR 1.47(a).

In sum, Petitioner has satisfied Items (1)-(4). Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(a) at this time.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing inventor Dr. Nazir KHAN.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 04 February 2009.



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Dear Dr. Khan:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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